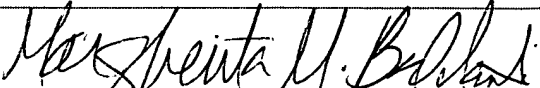


**"Official"**

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

Name (Print/Type)	Margherita M. Badalamenti		
Signature		Date	April 8, 2004

Attorney's Docket No. 104362-1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
LASALLE R. SWENSON ET AL.	)	
Serial No. 10/675,890	)	Examiner: Not yet assigned
Filed: September 30, 2003	)	Art Unit: 1743
Descriptive Method for Determining a	)	
a Surface Property of a Solid	)	

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S)  
CONSIDERED AS NOT RECEIVED BY THE P.T.O.**

**RESPONSE TO NOTICE OF INCOMPLETE APPLICATION**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

This is in response to the Notice of Incomplete Nonprovisional Application mailed for this application on March 17, 2004. A copy of the Notice of Incomplete Nonprovisional Application is enclosed.

Applicants assert that the items indicated as omitted, the drawings, were in fact deposited with the P.T.O. with the original application papers filed on September 30, 2003. In accordance with the requirements of the Notice of March 17, 2004, (see MPEP § 601.01(d), 7<sup>th</sup> Edition) applicants hereby (1) petition under 37 CFR 1.53(e) for a review of the determination that the items in issue were not deposited with the application; (2) submit the petition fee under 37 section 1.17(i) and (3) submit the attached evidence of the deposit of the items in issue. Authorization is hereby made to charge the amount of \$130.00 to Credit card as shown on the attached credit card information authorization form PTO-

2038. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached. It is respectfully requested that, upon grant of the petition under 37 CFR 1.53(e), the petition fee be refunded by a credit to the charge authorized above.

In connection with the Notice of Incomplete Nonprovisional Application dated March 17, 2004, applicants submit a photocopy of the date-stamped return post card receipt showing thereon that 12 sheets of formal drawing were in fact deposited on September 30, 2003 (See MPEP, § 503, 7<sup>th</sup> Edition). As a convenience to the Office, a second set of the 12 sheets of formal drawings are provided herewith.

In light of the evidence, applicants respectfully request that their petition be granted and that the present application be accorded a filing date of September 30, 2003.

Respectfully submitted,



Maryann Maas  
Attorney for Applicants  
Reg. No. 38,954  
(847) 391-2137 (phone)  
(847) 391-2387 (fax)

MM/mmb



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130

**Complete if Known**

Application Number	10/675,890
Filing Date	September 30, 2003
First Named Inventor	LaSalle R. Swenson et al.
Examiner Name	Not yet assigned
Art Unit	1743
Attorney Docket No.	104362-1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name


The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below	Fee Paid
Independent	Multiple Dependent	-20** =	-3** =		
				\$18	
				\$86	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) 1814 Statutory disclaimer (\$110)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130.00

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Maryann Maas	Registration No. (Attorney/Agent)	38,954	Telephone	847-391-2137
Signature	Maryann Maas	Date	4/8/04		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.